

DECLARATION OF MICHAEL CRAMER

I, Michael Cramer, declare as follows:

1. I am the CEO of Adagio Teas, Inc. (“Adagio”). I have held this position since at least 2010.
2. My job responsibilities include overseeing the development and maintenance of Adagio’s website, www.adagio.com (the “Website”), including the creation of policies and procedures to ensure that the Website is accessible to blind and visually impaired users.
3. Adagio has invested significant resources to permit its Website to be accessed via screen reader technology in accordance with the Web Content Accessibility Guidelines 2.1 (“WCAG 2.1”).
4. The Website, including its home, category, product, shopping cart and checkout pages are periodically tested for accessibility and compliance with WCAG 2.1 using aCe, an artificial intelligence accessibility tool developed by Accesibe, a technology company based in Tel Aviv, Israel.
5. The aCe-assisted testing that we performed on our home, category, product and checkout pages both before and after August 25, 2020 confirmed our compliance with the WCAG 2.1 accessibility guidelines.
6. I understand that Josue Romero has filed a Complaint claiming that he was unable to access the Website using a screen reader.
7. Using the Internet Protocol (“IP”) address provided by Mr. Romero, I was able to confirm that Mr. Romero accessed the Website on August 25, 2020.
8. An IP address is a unique identifier associated with a device that accesses the internet. Using the IP address, a website administrator can monitor the dates and times that a particular device accessed individual pages on a website by referring to “log files” – essentially, records of activity on the website – associated with that IP address.


9. According to the log files associated with Mr. Romero's device, Mr. Romero accessed multiple pages on the Website on August 25, 2020. He logged on the home page at 7:04 pm, and browsed several product pages, including pages for teaware, matcha, and herbal teas. He added three items to his shopping cart but did not attempt to complete a purchase. At 7:12 p.m, he left the Website.

10. Based on my review of the log files, I do not believe Mr. Romero had any difficulty navigating the Website with his screen reader. The log files do not show that Mr. Romero received any error messages, or that he attempted to access the "help" link which appears on every page on the Website.

11. After receiving a copy of the Complaint, I conducted a public records search for other lawsuits filed by Mr. Romero and learned that he filed 62 lawsuits (including the Complaint) in the Southern District of New York between September 3 and October 6, 2020. A list of those lawsuits is attached hereto as Exhibit A.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 21st day of December, 2020 in Elmwood Park, New Jersey



Michael Cramer